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UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/761,604
Filing Date: January 16, 2001
Appellant(s): CALDWELL ET AL.

CoGenTex, Inc.

For Appellant

EXAMINER'S ANSWER

1. This is in response to the appeal brief filed 6/224/06 appealing from the Office

action mailed 2/2/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3, 5-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tavor, US# 2001/0032077 A1, in view of Mikurak, US#

2004/0064351 A1.

As per claims 1, 3 and 13-14, Tavor teaches "developing feature text snippets for

each feature, the snippets being phrases to be used when describing . . . product

features" (see abstract) "developing user profile text snippets . . . generic phrases . . ."

(see page 4, paragraph [0049]-[0052]). Tavor does not teach "dynamically generated

fluent text that is used to convey product analyses . . . user profile text snippets

produces personalized recommendation for the product featuring dynamically generated

fluent text . . . analysis and recommendation tailored to the user requirements and

preferences." Mikurak et al. teaches "dynamically generated fluent text that is used to

convey product analyses . . . user profile text snippets produces personalized

recommendation for the product featuring dynamically generated fluent text . . . analysis

and recommendation tailored to the user requirements and preferences" (see

paragraphs [0883]-[0885], [1259], [2471] and [2531]-[2533]). It would have been

obvious at the time of the invention for one of ordinary skill in the art to have combined

the teachings of Tavor and Mikurak above, because using the steps of "dynamically

generated fluent text that is used to convey product analyses . . . user profile text

snippets produces personalized recommendation for the product featuring dynamically

generated fluent text . . . analysis and recommendation tailored to the user

requirements and preferences", would have given those skilled in the art the tools to the

tools to address the comparison of products base on a user's preference. This give

users the advantage of receiving relevant product data based the individual's profile in a

user-friendly manner.

As per claims 5, this claim is rejected on grounds corresponding to the

arguments given above for rejected claim 1 and is similarly rejected including the

following:

--Tavor teaches "testing the user profile text snippets" (see 99page 5, paragraphs

[0057]-[0059]).

As per claim 6, this claim is rejected on grounds corresponding to the arguments

given above for rejected claim 1 and is similarly rejected including the following:

-- Tavor teaches "providing access to the product recommendation . . ." (see

page 4, paragraph [0058]-[0059]).

As per claim 7, this claim is rejected on grounds corresponding to the arguments

given above for rejected claim 1 and is similarly rejected including the following:

--Tavor teaches "a computer network . . ." (see abstract).

As per claims 8-11, these claims are rejected on grounds corresponding to arguments given above for rejected claims 1-7 and are similarly rejected including the following:

--Tavor teaches "display and explanation of a comparison between several products" (see page 4, paragraphs [0050]-[0051]).

(10) Response to Argument

As per applicant's arguments regarding "although Tavor's generated descriptions use phrases that are keyed to particular product features, it does not take the user's preferences or requirements into account when deciding which features are most important to talk about, or how to combine feature descriptions with generic phrases . . . Tavor also does not generate any text related to user profiles . . . preferences", examiner respectfully disagrees and reiterates that Tavor's teachings of general description using phrases that are keyed to particular products, includes the user preference as well as profile data. Since the user, in the Tavor reference, is the one that inputs the desire for product information, the reference clearly includes requests for the most relevant data/information based on preferences, as illustrated in applicant's claim language. Further Tavor's teachings of recommend/comparing product information output/displays text regarding the individual product, therefore it reads on applicant's claim language involving the generating of text related to user profile.

As per applicant's arguments regarding "supporting his contention that Tavor teaches feature text snippets, user profile text snippets, and dynamically generated

fluent text recommendations, do not describe or suggest the development, use or existence of user profile snippets . . .", examiner maintains that the Tavor reference which teaches the composing of attributes (i.e. big, bigger) in relation with the comparison of related products and rendering results. This clearly illustrates the generating of text recommendations based on a user's action as indicated in applicant's claim language.

As per applicant's claim language regarding "Nowhere in Tavor's preferences or requirements mentioned or used . . . generation of dynamic fluent text output is not describe . . . ", examiner disagrees and maintains that Tavor combined with Mikurak, teachings applicant claim language above. Tavor, in particular, teaches the description of products in fluent text (i.e. "a product has a blue color . . .") which is related to the user's preference or potential preference, as well as a recommendation as described in applicant claim language.

As per applicant's arguments regarding "this type of fluent recommendation text is completely different from that in the Tavor reference . . . in other words, users and their requirements don't play any role in Tavor's method and do not influence the product comparisons that are produced by it, examiner disagrees. First Tavor's fluent recommendation reads on applicant's fluent recommendation, since both use phrases to indicate the result of a comparison of two or more products. Second, the fluent recommendation language, whether it be more "human-like" or not, is still a recommendation via a phrase or snippets, based on a user preferences, as taught in both Tavor and applicant's teachings.

As per applicant's argument regarding "Nowhere does the Mikurak reference describe what could be construed as a personalized recommendation featuring dynamically generated fluent text . . .", examiner maintains that Mikurak reference teachings of comparisons between different products and services and rendering recommendations, whether it be a phrase, snippets, characterization or what have you, it clearly includes a response to a user's query (i.e. personalized search) as illustrated in applicant's claim language.

As per applicant's arguments regarding "Markurak reference cited . . . attempt to provide for a personalization of the recommendation based on the information captured from the user . . . note that this paragraph contains no description related to . . . personalized recommendation of a product featuring dynamically generated fluent text . . .", examiner disagrees and maintains that the combination of Tavor and Mikurak, combined, teachings as described above reads on applicant claim language.

As per applicant's arguments regarding "the combination of references does not result in the claimed invention", examiner disagrees and maintains that the combination of Tavor and Mikurak teachings reads on applicant's claim language. Both references teach the recommendation of products based on a comparison element. However the Mirkurak reference more explicitly teaches the dynamic generation of text based on product analyses in relation with particular users. Therefore Tavor's teachings of text snippets describing product features and Mikurak teachings of dynamically generating fluent text is properly combined when illustrating the parallels of applicant's claim language.
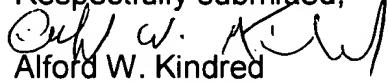
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Alford W. Kindred

Conferees:

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Don Wong

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